

DOCKET NO: 260188US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
EGBERT SCHOELA, ET AL. : EXAMINER: JOY, D. J.
SERIAL NO: 10/510,963 :
FILED: NOVEMBER 1, 2004 : GROUP ART UNIT: 1774
FOR: NOISE PREVENTION PLATE :
CONSISTING OF ACRYLIC GLASS

REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The following Reply Brief is in reply to the Examiner's Answer dated October 2, 2007 (Answer).

Since the statement of the grounds of rejection in the Answer is essentially verbatim with the statement in the Final Rejection, Applicants will confine their remarks to replying to the "(10) Response to Argument" section in the Answer (Answer at 12-17).

The entire rationale of the Examiner is that the sheet of Oleiko et al does not have to be transparent ("but there is no statement made [in Oleiko et al] that the wall must be transparent") (Answer at 13). The Examiner relies on the statement in Oleiko et al at column 2, lines 2-7 that "the object underlying the invention is [accordingly] to make [available] a noise-protection wall-segment [of the aforementioned type] which is intended to convey a 'visually lighter' impression but at the same time is sufficiently stable in relation to loads due to wind pressure" (Answer at 13; underlining by the Examiner, bracketed material taken from Oleiko et al but omitted by the Examiner).

In reply, the Examiner's omission of the term "of the aforementioned type" is telling. Oleiko et al discloses under "Field of the Invention" that the invention relates to ". . . one or more transparent sheets" (column 1, lines 5-9). Transparent sheets are the only types of sheets described under "Discussion of the Background" (column 1, line 10ff, especially lines 26 and 54). For their invention, Oleiko et al discloses that their sheet is transparent (col. 2, line 35). The sheet of the noise-protection wall-segment of Oleiko et al's invention is described as "transparent" throughout the description in Oleiko et al. Thus, the Examiner's finding that the sheets of the noise-protection wall-segment of Oleiko et al need not be transparent is clearly erroneous.

The remaining arguments in the Answer all depend on this clearly erroneous finding and thus, all the remaining findings are clearly erroneous.

Such findings include the fact that Oleiko et al discloses that various materials such as fillers, dyestuffs or pigments, may be added, which addition would result in a non-transparent sheet. The Examiner, however, has not responded to Applicants' argument in the Appeal Brief, i.e., that "transparent" is not a synonym for "colorless."

Applicants continue to maintain that all of the rejections should be REVERSED.

Respectfully submitted,

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